

Exhibit 26

FILED UNDER SEAL

Exhibit 6

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
MIDLAND/ODESSA DIVISION

VIRTAMOVE, CORP.,)
)
Plaintiff,)
)
vs.) Case No.
) 7:24-CV-00030-DC-DTG
AMAZON.COM, INC.; AMAZON.COM)
SERVICES LLC; and)
AMAZON WEB SERVICES, INC.,)
)
Defendants.)
_____)

VIRTUAL VIDEOCONFERENCE VIDEO-RECORDED DEPOSITION OF
PHIL ESTES

Friday, August 23, 2024
Remotely Testifying from Charlottesville, Virginia

Stenographically Reported By:
Hanna Kim, CLR, CSR No. 13083
Job No. 6879934

<div>1 UNITED STATES DISTRICT COURT</div> <div>2 WESTERN DISTRICT OF TEXAS</div> <div>3 MIDLAND/ODESSA DIVISION</div> <div>4</div> <div>5 VIRTAMOVE, CORP.,)</div> <div>6)</div> <div>6 Plaintiff,)</div> <div>7)</div> <div>7 vs.)Case No.</div> <div>7:24-CV-00030-DC-DTG</div> <div>8 AMAZON.COM, INC.; AMAZON.COM)</div> <div>8 SERVICES LLC; and)</div> <div>9 AMAZON WEB SERVICES, INC.,)</div> <div>9)</div> <div>10 Defendants.)</div> <div>10)</div> <div>11</div> <div>12</div> <div>13 Virtual videoconference video-recorded</div> <div>14 deposition of PHIL ESTES, taken on behalf of the</div> <div>15 Plaintiff, remotely testifying from Charlottesville,</div> <div>16 Virginia, on Friday, August 23, 2024, before Hanna</div> <div>17 Kim, CLR, Certified Shorthand Reporter, No. 13083.</div> <div>18</div> <div>19</div> <div>20</div> <div>21</div> <div>22</div> <div>23</div> <div>24</div> <div>25</div> <div>Page 2</div>	<div>1 INDEX OF EXAMINATION</div> <div>2</div> <div>3 WITNESS: PHIL ESTES</div> <div>4 EXAMINATION PAGE</div> <div>5 BY MR. TONG: 8</div> <div>6</div> <div>7</div> <div>8</div> <div>9</div> <div>10</div> <div>11</div> <div>12</div> <div>13</div> <div>14</div> <div>15</div> <div>16</div> <div>17</div> <div>18</div> <div>19</div> <div>20</div> <div>21</div> <div>22</div> <div>23</div> <div>24</div> <div>25</div> <div>Page 4</div>
<div>1 REMOTE APPEARANCES OF COUNSEL:</div> <div>2</div> <div>3 FOR PLAINTIFF VIRTAMOVE, CORP.:</div> <div>4 RUSS AUGUST & KABAT</div> <div>5 BY: QI (PETER) TONG, ESQ.</div> <div>6 4925 Greenville Ave, Suite 200</div> <div>7 Dallas, Texas 75206</div> <div>8 310.826.7474</div> <div>9 ptong@raklaw.com</div> <div>10</div> <div>11 FOR DEFENDANTS AMAZON.COM, INC.; AMAZON.COM SERVICES</div> <div>12 LLC; and AMAZON WEB SERVICES, INC.:</div> <div>13 KNOBBE, MARTENS, OLSON & BEAR</div> <div>14 BY: NATHAN D. REEVES, ESQ.</div> <div>15 925 4th Avenue, Suite 2500</div> <div>16 Seattle, Washington 98104</div> <div>17 206.405.2000</div> <div>18 nathan.reeves@knobbe.com</div> <div>19</div> <div>20 ALSO PRESENT:</div> <div>21 STEVEN TOGAMI, Videographer</div> <div>22</div> <div>23</div> <div>24</div> <div>25</div> <div>Page 3</div>	<div>1 INDEX OF EXHIBITS</div> <div>2</div> <div>3 ESTES DEPOSITION EXHIBITS PAGE</div> <div>4 Exhibit 1 "DECLARATION OF PHIL ESTES IN 10</div> <div>5 SUPPORT OF DEFENDANTS' MOTION</div> <div>6 TO DISMISS OR TRANSFER"; 5</div> <div>7 pages</div> <div>8 Exhibit 2 Printout of LinkedIn profile 53</div> <div>9 of Phil Estes; 4 pages</div> <div>10 --o0o--</div> <div>11</div> <div>12</div> <div>13</div> <div>14</div> <div>15</div> <div>16</div> <div>17</div> <div>18</div> <div>19</div> <div>20</div> <div>21</div> <div>22</div> <div>23</div> <div>24</div> <div>25</div> <div>Page 5</div>

<p>1 Remotely Testifying from Charlottesville, Virginia</p> <p>2 Friday, August 23, 2024</p> <p>3 1:31 p.m., Eastern Daylight Time</p> <p>4 --o0o--</p> <p>5 THE VIDEOGRAPHER: We are on the record at 01:31:23</p> <p>6 1:31 p.m., on August 23rd, 2024.</p> <p>7 Please note that this deposition is being</p> <p>8 conducted virtually.</p> <p>9 Quality of recording depends on the</p> <p>10 quality of camera and internet connection of 01:31:55</p> <p>11 participants.</p> <p>12 What is seen from the witness and heard on</p> <p>13 screen is what will be recorded.</p> <p>14 Audio and video recording will continue to</p> <p>15 take place unless all parties agree to go off the 01:32:02</p> <p>16 record.</p> <p>17 This is Media Unit Number 1 of the</p> <p>18 video-recorded deposition of Phil Estes, taken by</p> <p>19 counsel for the Plaintiff, in the matter of</p> <p>20 VirtaMove Corporation versus Amazon.com, Inc., 01:32:20</p> <p>21 et al., filed in the United States District Court,</p> <p>22 for the Western District of Texas, Midland/Odessa</p> <p>23 Division, Case Number 7:24-cv-00030-DC-DTG.</p> <p>24 My name is Steven Togami, representing</p> <p>25 Veritext Legal Solutions, and I am the videographer. 01:32:49</p> <p style="text-align: right;">Page 6</p>	<p>1 PHIL ESTES,</p> <p>2 having been duly administered an oath,</p> <p>3 remotely upon the stipulation of counsel,</p> <p>4 was examined and testified as follows:</p> <p>5</p> <p>6 EXAMINATION</p> <p>7 BY MR. TONG:</p> <p>8 Q. Thank you.</p> <p>9 Have you ever been deposed before,</p> <p>10 Mr. Estes? 01:34:16</p> <p>11 A. No, I have not.</p> <p>12 Q. Okay. So I'm going to go over a few rules</p> <p>13 with you.</p> <p>14 Is that all right?</p> <p>15 A. Yes. 01:34:22</p> <p>16 Q. So in this proceeding I'm going to ask you</p> <p>17 some questions, and you must answer them truthfully</p> <p>18 under oath.</p> <p>19 Your attorney may object from time to</p> <p>20 time, but you are still required to answer the 01:34:30</p> <p>21 question that I ask unless your attorney clearly and</p> <p>22 directly instructs you not to answer.</p> <p>23 Do you understand?</p> <p>24 A. Yes.</p> <p>25 Q. There's no judge here today, but this is a 01:34:41</p> <p style="text-align: right;">Page 8</p>
<p>1 The court reporter is Hanna Kim, from the</p> <p>2 firm Veritext Legal Solutions.</p> <p>3 I am not related to any party in this</p> <p>4 action, nor am I financially interested in the</p> <p>5 outcome. 01:32:57</p> <p>6 If there are any objections to proceeding,</p> <p>7 please state them at the time of your appearance.</p> <p>8 At this time, will counsel and all present</p> <p>9 please state their appearances and affiliations for</p> <p>10 the record, starting with the noticing party. 01:33:17</p> <p>11 MR. TONG: This is Peter Tong from Russ</p> <p>12 August & Kabat on behalf of VirtaMove Corporation.</p> <p>13 MR. REEVES: Nathan Reeves from Knobbe,</p> <p>14 Martens, Olson & Bear on behalf of Defendants and</p> <p>15 the witness. 01:33:35</p> <p>16 THE WITNESS: Phillip Estes from Amazon</p> <p>17 Web Services.</p> <p>18 ///</p> <p>19 ///</p> <p>20 ///</p> <p>21 ///</p> <p>22 ///</p> <p>23 ///</p> <p>24 ///</p> <p>25 ///</p> <p style="text-align: right;">Page 7</p>	<p>1 legal proceeding just like you're testifying in</p> <p>2 court, and you are under the same legal obligation</p> <p>3 to tell the truth under the penalty of perjury.</p> <p>4 Do you understand that?</p> <p>5 A. Yes, I do. 01:34:57</p> <p>6 Q. If you don't understand one of my</p> <p>7 questions, you can feel free to say so and ask for</p> <p>8 clarification.</p> <p>9 What you say today can be used in court,</p> <p>10 and you will have an opportunity to read over the 01:35:09</p> <p>11 transcript to correct any transcription mistakes.</p> <p>12 Do you understand that?</p> <p>13 A. Yes.</p> <p>14 Q. From time to time we can take a break if</p> <p>15 you need to. And you can ask for a break at any 01:35:26</p> <p>16 time, but we will not take a break while a question</p> <p>17 is pending.</p> <p>18 Do you understand that?</p> <p>19 A. Yes.</p> <p>20 Q. Okay. Are you on any drugs or medications 01:35:35</p> <p>21 that may affect your memory or ability to tell the</p> <p>22 truth today?</p> <p>23 A. No, I am not.</p> <p>24 Q. Okay. Is there any other reason why you</p> <p>25 cannot provide truthful testimony today? 01:35:51</p> <p style="text-align: right;">Page 9</p>

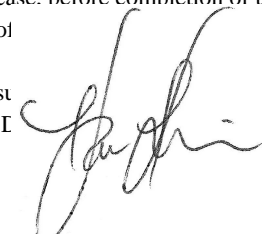
<p>1 A. No.</p> <p>2 Q. Okay. I would like to at this time</p> <p>3 introduce Exhibit 1, which is -- which has been</p> <p>4 premarked. It is the "DECLARATION OF PHIL ESTES."</p> <p>5 (Estes Deposition Exhibit 1 was marked for 01:36:13</p> <p>6 identification electronically.)</p> <p>7 BY MR. TONG:</p> <p>8 Q. Mr. Estes, could you please open up this</p> <p>9 document.</p> <p>10 A. I have it open. 01:36:18</p> <p>11 Q. Okay. Do you recognize this as a true and</p> <p>12 correct copy of the declaration that you had</p> <p>13 submitted in this case?</p> <p>14 A. Yes, I do. And there is one correction</p> <p>15 that I'd like to make either at this time or when we 01:36:34</p> <p>16 are discussing it.</p> <p>17 Q. Sure.</p> <p>18 What is that correction?</p> <p>19 A. Paragraph 2 begins "I am also the Chair of</p> <p>20 the Technical Oversight Board." 01:36:47</p> <p>21 Q. Mm-hmm.</p> <p>22 A. And I did not catch that when we first</p> <p>23 went over this document, that -- I had been the</p> <p>24 chair for many years, but I've -- I'm still a</p> <p>25 member, but I'm no longer the actual chair of the 01:37:01</p> <p>Page 10</p>	<p>1 corrections, but I have several places where I list</p> <p>2 my biography. And I'm still correcting all the</p> <p>3 places that still say I'm the chair of the technical</p> <p>4 oversight board. So this is yet another one that</p> <p>5 I -- that I had missed. 01:38:58</p> <p>6 Q. Sorry. The question wasn't really about</p> <p>7 what you missed.</p> <p>8 Do you have an estimate as to the number</p> <p>9 of hours that you had worked on this declaration;</p> <p>10 for example, whether it was one or two or ten or a 01:39:10</p> <p>11 hundred hours?</p> <p>12 A. I would guess one or two hours.</p> <p>13 Q. Okay. Did you write the first draft of</p> <p>14 this declaration?</p> <p>15 MR. REEVES: Objection. Vague. 01:39:24</p> <p>16 THE WITNESS: No, I didn't draft every</p> <p>17 word of this declaration.</p> <p>18 BY MR. TONG:</p> <p>19 Q. Did you write the first draft of this</p> <p>20 declaration? 01:39:35</p> <p>21 MR. REEVES: Objection. Asked and</p> <p>22 answered.</p> <p>23 THE WITNESS: As I said, I didn't write</p> <p>24 every word of this document.</p> <p>25 BY MR. TONG: 01:39:45</p> <p>Page 12</p>
<p>1 oversight board.</p> <p>2 Q. Okay. In what years were you the chair?</p> <p>3 A. I would have to look it up to be exact,</p> <p>4 but it was through last January, to the best of my</p> <p>5 recollection. 01:37:23</p> <p>6 Q. And as the chair of the technical</p> <p>7 oversight board, what were your responsibilities?</p> <p>8 A. Yeah, the oversight board for the open</p> <p>9 container initiative simply exists to -- to make</p> <p>10 sure that the operation of that foundation -- 01:37:44</p> <p>11 foundation's technical activities aren't stuck.</p> <p>12 So it's a board that only meets as</p> <p>13 necessary. And so while chair, I -- I chaired the</p> <p>14 meetings of that board that were required as</p> <p>15 necessary. 01:38:05</p> <p>16 And I -- as I've mentioned, I'm still a</p> <p>17 member, so I -- I still attend the meetings, but I'm</p> <p>18 no longer the chair.</p> <p>19 Q. Are those meetings held virtually?</p> <p>20 A. Yes, they are. 01:38:18</p> <p>21 Q. Okay. How long did you spend preparing</p> <p>22 and drafting this declaration?</p> <p>23 A. I -- I -- I -- I don't know an exact time.</p> <p>24 But, you know, it's obviously quite a simple</p> <p>25 declaration. And I reviewed it, made necessary 01:38:39</p> <p>Page 11</p>	<p>1 Q. Okay. Did you review any documents when</p> <p>2 you were preparing this declaration?</p> <p>3 MR. REEVES: Objection. Vague.</p> <p>4 THE WITNESS: Could you restate that in --</p> <p>5 in the sense of what documents you would -- I would 01:40:11</p> <p>6 review to author this?</p> <p>7 BY MR. TONG:</p> <p>8 Q. Sure.</p> <p>9 In order to inform your knowledge about</p> <p>10 the facts stated in this declaration, did you review 01:40:23</p> <p>11 any documents?</p> <p>12 A. No.</p> <p>13 MR. REEVES: Objection. Vague.</p> <p>14 BY MR. TONG:</p> <p>15 Q. Did you do any searching or investigation 01:40:36</p> <p>16 specifically to inform your knowledge of the facts</p> <p>17 in this declaration?</p> <p>18 A. No.</p> <p>19 MR. REEVES: Objection. Vague.</p> <p>20 BY MR. TONG: 01:40:54</p> <p>21 Q. Sorry, could you repeat your answer?</p> <p>22 A. No, I did not.</p> <p>23 Q. Okay. Other than attorneys, did you speak</p> <p>24 to any people in order to inform your knowledge of</p> <p>25 the facts in this declaration? 01:41:11</p> <p>Page 13</p>

<p>1 THE WITNESS: FOSSY was in Portland, 2 Oregon. FOSDEM is in Brussels, Belgium. State of 3 OpenCon is London, UK. KubeCon last fall was in 4 Chicago, and Open Source Summit was in Seattle. 5 BY MR. TONG: 02:52:59 6 Q. And your presentations there all related 7 somewhat to containers? 8 A. That -- 9 MR. REEVES: Objection. Vague. 10 THE WITNESS: That is correct. 02:53:09 11 BY MR. TONG: 12 Q. Let's see. 13 In Paragraph 4 of your declaration, you 14 say that "Mr. McGowan is also part of the core team 15 that mentions [as read] 'containerd,'" 02:53:44 16 C-O-N-T-A-I-N-E-R-D -- sorry. Let me try and spell 17 that again. C-O-N-T-A-I-N-E-R-D. 18 Do you see that? 19 A. Yes. 20 Q. Could you explain to a judge or jury who 02:54:06 21 doesn't have a software background, what is 22 "containerd"? 23 MR. REEVES: Objection. Vague. Asked and 24 answered. 25 THE WITNESS: Yeah, I answered that in -- 02:54:19 Page 50</p>	<p>1 MR. REEVES: Sure. 2 THE VIDEOGRAPHER: Going off the record at 3 2:55 p.m. 4 (Short recess taken.) 5 THE VIDEOGRAPHER: Going back on the 03:02:24 6 record at 3:02 p.m. 7 MR. TONG: Thank you. 8 BY MR. TONG: 9 Q. Do you have any knowledge of Sun 10 Microsystems' development of Solaris in 2002? 03:02:48 11 MR. REEVES: Objection. Outside the 12 scope. Vague. Calls for speculation. 13 THE WITNESS: No. 14 BY MR. TONG: 15 Q. Okay. Do you have any knowledge related 03:03:11 16 to Solaris's development of its zones technology 17 in -- around the 2002/2003 time frame? 18 MR. REEVES: Objection. Outside the 19 scope. Vague. Calls for speculation. 20 THE WITNESS: I know about the technology 03:03:31 21 generally, but I have no idea about its development 22 or specifics about the technology. 23 BY MR. TONG: 24 Q. And you certainly were not involved in 25 Sun's development of zones in the 2002/2003 time 03:03:43 Page 52</p>
<p>1 in our prior se- -- segment. So I don't know if 2 you're looking for a -- if you thought this was a 3 different project. This is the same project I 4 mentioned. 5 BY MR. TONG: 02:54:35 6 Q. I want to make sure we have different 7 answers for a container, C-O-N-T-A-I-N-E-R, and this 8 specific thing spelled C-O-N-T-A-I-N-E-R-D. 9 This "containerd" spelling, is that 10 something different from a generic container? 02:55:01 11 MR. REEVES: Objection. Vague. 12 THE WITNESS: Yes. This is the project I 13 mentioned that came out of the Docker engine project 14 into its own open-source project when we talked 15 about its location on GitHub, where I am also one of 02:55:21 16 the core maintainers of this project. 17 MR. REEVES: Hence, I believe it's 18 pronounced "containerd," if that helps. 19 MR. TONG: "Containerd." Okay. 20 THE WITNESS: Yes. 02:55:42 21 BY MR. TONG: 22 Q. That seems to clean up my confusion. 23 MR. TONG: All right. Could we take a 24 quick five-minute break? I am nearing the end of my 25 outline. 02:56:09 Page 51</p>	<p>1 frame; correct? 2 MR. REEVES: Objection. Vague. Outside 3 the scope. 4 THE WITNESS: That is correct. 5 MR. TONG: I'm going to introduce the 03:04:02 6 final exhibit today -- what I expect to be our final 7 exhibit. 8 Okay. It should be uploaded to the 9 Exhibit Share site. Please let me know when you are 10 able to access a copy of it. 03:04:56 11 (Estes Deposition Exhibit 2 was marked for 12 identification electronically.) 13 THE WITNESS: Yes, I just opened it. 14 BY MR. TONG: 15 Q. Do you recognize this as a copy of your 03:05:06 16 LinkedIn profile? 17 A. Yes. 18 Q. In the first paragraph it says you're 19 "currently an OSS maintainer for the CNCF containerd 20 project." [As read] 03:05:29 21 What do those acronyms stand for? 22 A. OSS -- 23 MR. REEVES: Objection. Lacks foundation. 24 THE WITNESS: OSS is open-source software. 25 A common just shorthand for open-source software. 03:05:40 Page 53</p>

<p>1 CNCF is the Cloud Native Computing 2 Foundation. 3 BY MR. TONG: 4 Q. Did you work on container technology at 5 IBM before you joined Amazon Web Services? 03:06:06 6 MR. REEVES: Objection. Vague. 7 THE WITNESS: Yes, I did. 8 BY MR. TONG: 9 Q. Could you generally describe your roles 10 and responsibilities related to container technology 03:06:24 11 at IBM? 12 MR. REEVES: Objection. Vague. 13 THE WITNESS: Yes. 14 I had a -- essentially the same role in 15 open source at both companies. So I was a 03:06:43 16 maintainer of Docker and then of "containerd" while 17 at IBM and continued to be so here at AWS. 18 BY MR. TONG: 19 Q. What IBM products did you work on? 20 MR. REEVES: Objection. Vague. Lacks 03:07:12 21 foundation. Outside the scope. 22 THE WITNESS: So very similar to my role 23 at Amazon, I'm not directly writing code or leading 24 specific software teams for the services of IBM's 25 cloud, and I also don't do that here. 03:07:38 Page 54</p>	<p>1 technology, there were other employees also 2 contributing, not from my team, but others were. 3 BY MR. TONG: 4 Q. What's your best estimate of how many 5 other employees were contributing to container 03:09:56 6 technology at IBM on the East Coast? 7 MR. REEVES: Objection. Vague. Calls for 8 speculation. Outside the scope. 9 THE WITNESS: Yeah, I -- I -- picking a 10 number would be -- especially given it's been many 03:10:19 11 years, I'm -- I would represent it as a handful. 12 Many employees worked directly on the cloud 13 services, so contributing to open source was a -- a 14 much smaller group of people on the order of single 15 digits. 03:10:38 16 BY MR. TONG: 17 Q. Okay. On your LinkedIn, toward the bottom 18 of page 2, do you see where it says "STSM, IBM Cloud 19 Division"? [As read] 20 A. Yes, I do. 03:10:54 21 Q. What does "STSM" stand for? 22 A. It stands for senior technical staff 23 member. Others in the industry call it member of 24 technical staff. 25 Q. In the last sentence, underneath that 03:11:09 Page 56</p>
<p>1 I work with the open-source technologies 2 that are used by, at the time IBM and now AWS, to 3 make cloud software, manage software services. But 4 I did not work on -- directly on the teams of any 5 IBM cloud service. 03:07:58 6 BY MR. TONG: 7 Q. Were you part of a team at IBM? 8 A. Yes. I was in the office of the CTO. 9 Q. Where was that office? 10 A. It was a title; the -- the office of the 03:08:28 11 CTO was a title. The team itself was virtual 12 worldwide. 13 Q. Did you work with any other IBM team 14 members on the East Coast? 15 MR. REEVES: Objection. Vague. 03:08:59 16 THE WITNESS: Yes. Our IBM research and 17 headquarters are both located in the state of New 18 York. 19 BY MR. TONG: 20 Q. Were there engineers there who also worked 03:09:18 21 on container-related technology? 22 MR. REEVES: Objection. Vague. Calls for 23 speculation. 24 THE WITNESS: Yes. If you mean 25 contributing to the open-source container 03:09:36 Page 55</p>	<p>1 heading, do you see where it says, "Phil currently 2 works with IBM's Docker partnership, both in direct 3 Docker community participation as well as cross-IBM 4 Docker expertise for our clients and internal 5 product teams"? 03:11:38 6 A. Yes, I do. 7 Q. Can you give some of -- some examples of 8 the clients? 9 MR. REEVES: Objection. Vague. Outside 10 the scope. 03:11:55 11 THE WITNESS: I presented to -- to many 12 IBM customers. Some of them would come to my talks 13 at a conference, and then note that they were IBM 14 customers and were interested in our activity with 15 Docker. Verizon, Apple, Cisco. Yeah, I mean, 03:12:17 16 that's a few -- that's a few. 17 BY MR. TONG: 18 Q. And what are the names of the internal 19 product teams that are referenced in that paragraph? 20 MR. REEVES: Objection. Vague. Outside 03:12:42 21 the scope. 22 THE WITNESS: So IBM had a Kubernetes 23 service called IKS. That would be an internal team 24 that used container technology. There's another 25 service that's been renamed that was serverless 03:13:00 Page 57</p>

<p>1 functions. Functions is a service that was using 2 container technology. So those were internal teams 3 at IBM cloud.</p> <p>4 BY MR. TONG:</p> <p>5 Q. What does "IKS" stand for? 03:13:17 6 A. It stands for IBM Kubernetes Service. 7 Q. Do you know where the IKS team was 8 located? 9 MR. REEVES: Objection. Vague. Outside 10 the scope. 03:13:34 11 THE WITNESS: Primarily in Raleigh, North 12 Carolina, at least their leaders that I interacted 13 with were in Raleigh; and also in Rochester, 14 Minnesota.</p> <p>15 BY MR. TONG: 03:13:53 16 Q. And the serverless functions, was that 17 another team? 18 A. Yes. 19 Q. And do you know where they were located? 20 MR. REEVES: Objection. Vague. Outside 03:14:09 21 the scope. 22 THE WITNESS: Mostly in -- 23 (Interruption in audio/video.) 24 THE COURT REPORTER: Could you repeat 25 that, please. 03:14:16</p> <p style="text-align: right;">Page 58</p>	<p>1 is one of the foremost knowledgeable experts, all 2 the way back to the beginning of the Docker era. So 3 he -- he would be well qualified to speak on any 4 relevant history or technology choices of Docker, 5 the project, or Docker the company that he works 03:16:10 6 for. 7 BY MR. TONG: 8 Q. Docker's code is kept in a [verbatim] 9 online repository; correct? 10 MR. REEVES: Objection. Vague. Outside 03:16:25 11 the scope. 12 THE WITNESS: Yes. Correct. 13 BY MR. TONG: 14 Q. And that repository tracks the dates as to 15 when code is checked in and updated; correct? 03:16:39 16 MR. REEVES: Objection. Asked and 17 answered. Vague. 18 THE WITNESS: Yes. 19 BY MR. TONG: 20 Q. If the development of Docker's code is 03:16:52 21 well-documented with check-in times, do you know 22 what Tonis Tiigi would have to add to this history? 23 MR. REEVES: Objection. Vague. Lacks 24 foundation. Assumes facts. Outside the scope. 25 Calls for speculation. 03:17:17</p> <p style="text-align: right;">Page 60</p>
<p>1 THE WITNESS: Yes. Mostly in Böblingen, 2 Germany.</p> <p>3 BY MR. TONG:</p> <p>4 Q. Okay. And I have two more very quick 5 lines of questions for you. 03:14:37 6 The first is about Tonis Tiigi -- or 7 Tiigi. Do you have any idea of what Tonis Tiigi is 8 expected to testify about at trial? 9 MR. REEVES: Objection. Vague. Lacks 10 foundation. Outside the scope. Calls for 03:15:07 11 speculation. 12 THE WITNESS: I -- yeah. 13 So I'm -- I'm going to say no because I'm 14 not quite sure -- I'm -- maybe you should restate 15 the question, but, no. 03:15:20 16 BY MR. TONG: 17 Q. Sure. 18 I mean, if Amazon is contending that Tonis 19 Tiigi would be relevant at trial, what might he be 20 relevant to testify about? 03:15:32 21 MR. REEVES: Objection. Vague. Lacks 22 foundation. Outside the scope. Calls for 23 speculation. 24 THE WITNESS: So given the knowledge I 25 have that this relates to container technology, he 03:15:46</p> <p style="text-align: right;">Page 59</p>	<p>1 THE WITNESS: Since you mentioned working 2 on software teams, I think the easiest answer is 3 that knowing the date and time in which something is 4 checked in versus knowing the intricate details of 5 how it works or why it works the way it does or why 03:17:38 6 a change would be made is best left to people who 7 regularly interact with that software code. 8 BY MR. TONG: 9 Q. And do you believe that why code changes 10 is relevant to a legal issue in this case? 03:18:04 11 MR. REEVES: Objection. Vague. Lacks 12 foundation. Outside the scope. Calls for 13 speculation. Calls for a legal conclusion. 14 THE WITNESS: Yeah, since I don't know the 15 stated purposes or claims, then I -- I'm simply 03:18:28 16 stating that any kind of claim would have to be 17 dealt with someone who understands the code to even 18 know, you know, how to -- how to make a statement 19 about Docker's code or its history or -- or any 20 relevant details. 03:18:55 21 BY MR. TONG: 22 Q. And you don't have any legal education; do 23 you? 24 A. No formal le- -- legal education, no. 25 Q. Would it surprise you to learn that 03:19:08</p> <p style="text-align: right;">Page 61</p>

<p>1 normally there are technical experts who explain 2 topics such as the operation of source code in 3 patent trials?</p> <p>4 MR. REEVES: Objection. Vague. Calls for 5 speculation. Lacks foundation. 03:19:26</p> <p>6 THE WITNESS: No. I -- if -- definitely 7 not surprised.</p> <p>8 BY MR. TONG:</p> <p>9 Q. Is there anything you believe that 10 Mr. Tonis Tiigi would add to the facts beyond what a 03:19:45 11 source code technical expert could explain?</p> <p>12 MR. REEVES: Objection. Vague. Lacks 13 foundation. Calls for a legal conclusion. Asked 14 and answered. Calls for speculation.</p> <p>15 THE WITNESS: Yeah, I -- I don't 03:20:12 16 understand the purpose of the -- the line of 17 questioning. And, you know, we can talk about 18 Tonis' understanding and capabilities, and that's -- 19 that's all I'm representing is his knowledge of this 20 specific code base. 03:20:30</p> <p>21 BY MR. TONG:</p> <p>22 Q. Okay.</p> <p>23 But as we sit here today, do you know a 24 particular issue of patent infringement that he has 25 relevant testimony about? 03:20:53</p> <p style="text-align: right;">Page 62</p>	<p>1 We are off the record at 3:21 p.m., and 2 this concludes today's testimony given by Phil 3 Estes. The total number of media used was two and 4 will be retained by Veritext Legal Solutions. Thank 5 you. 03:22:17 (Proceedings concluded, 3:21 p.m., EDT, on 7 August 23, 2024.)</p> <p style="text-align: right;">Page 64</p>
<p>1 MR. REEVES: Objection. Asked and 2 answered. Vague. Calls for a legal conclusion. 3 Calls for speculation.</p> <p>4 THE WITNESS: No, I do not.</p> <p>5 BY MR. TONG: 03:21:04</p> <p>6 Q. And as we sit here today, do you know a 7 particular issue of patent invalidity that Mr. Tonis 8 Tiigi has relevant testimony about at trial?</p> <p>9 MR. REEVES: Same objections.</p> <p>10 THE WITNESS: No. 03:21:17</p> <p>11 BY MR. TONG:</p> <p>12 Q. As we sit here today, do you know a 13 relevant issue of patent damages that Mr. Tonis 14 Tiigi has relevant testimony about at trial?</p> <p>15 MR. REEVES: Same objections. 03:21:30</p> <p>16 THE WITNESS: No.</p> <p>17 MR. TONG: All right.</p> <p>18 No further questions on direct.</p> <p>19 MR. REEVES: All right. We'll reserve the 20 right to review and sign. 03:21:50</p> <p>21 MR. TONG: Okay. Thank you for your time, 22 Mr. Estes.</p> <p>23 We can go off the record.</p> <p>24 THE WITNESS: Thank you.</p> <p>25 THE VIDEOGRAPHER: Hanna? Okay. 03:22:00</p> <p style="text-align: right;">Page 63</p>	<p>1 JURAT</p> <p>2</p> <p>3 I, PHIL ESTES, do hereby certify under 4 penalty of perjury that I have read the foregoing 5 transcript of my deposition taken remotely via 6 videoconference on Friday, August 23, 2024; that I 7 have made such corrections as appear noted herein in 8 ink, initialed by me; that my testimony as contained 9 herein, as corrected, is true and correct.</p> <p>10</p> <p>11 Dated this ____ day of _____, 2024, 12 at _____.</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18 _____ PHIL ESTES</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25 JOB NO. 6879934</p> <p style="text-align: right;">Page 65</p>

<p>1 CERTIFICATE OF REPORTER</p> <p>2 I, Hanna Kim, a Certified Shorthand</p> <p>3 Reporter, do hereby certify:</p> <p>4 That prior to being examined, the witness</p> <p>5 in the foregoing proceedings was by me duly sworn to</p> <p>6 testify to the truth, the whole truth, and nothing</p> <p>7 but the truth;</p> <p>8 That said proceedings were taken before me</p> <p>9 at the time and place therein set forth remotely via</p> <p>10 videoconference and were taken down by me in</p> <p>11 shorthand and thereafter transcribed into</p> <p>12 typewriting under my direction and supervision;</p> <p>13 I further certify that I am neither</p> <p>14 counsel for, nor related to, any party to said</p> <p>15 proceedings, not in anywise interested in the</p> <p>16 outcome thereof.</p> <p>17 Further, that if the foregoing pertains to</p> <p>18 the original transcript of a deposition in a federal</p> <p>19 case. before completion of the proceedings, review</p> <p>20 of _____ was not requested.</p> <p>21 _____ have hereunto</p> <p>22 st _____</p> <p>23 I </p> <p>24</p> <p>25 Hanna Kim CLR, CSR No. 13083</p> <p style="text-align: right;">Page 66</p>	<p>1 ___ Federal R&S Requested (FRCP 30(e)(1)(B)) – Locked .PDF</p> <p>2 Transcript - The witness should review the transcript and</p> <p>3 make any necessary corrections on the errata pages included</p> <p>4 below, notating the page and line number of the corrections.</p> <p>5 The witness should then sign and date the errata and penalty</p> <p>6 of perjury pages and return the completed pages to all</p> <p>7 appearing counsel within the period of time determined at</p> <p>8 the deposition or provided by the Federal Rules.</p> <p>9 ___ Federal R&S Not Requested - Reading & Signature was not</p> <p>10 requested before the completion of the deposition.</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p style="text-align: right;">Page 68</p>
<p>1 NATHAN D. REEVES</p> <p>2 nathan.reeves@knobbe.com</p> <p>3 September 4, 2024</p> <p>4 RE: Virtamove, Corp. v. AMAZON.COM, INC.,</p> <p>5 8/23/2024, Phil Estes, (#6879934).</p> <p>6 The above-referenced transcript has been</p> <p>7 completed by Veritext Legal Solutions and</p> <p>8 review of the transcript is being handled as follows:</p> <p>9 ___ Per CA State Code (CCP 2025.520 (a)-(e)) – Contact Veritext</p> <p>10 to schedule a time to review the original transcript at</p> <p>11 a Veritext office.</p> <p>12 _X_ Per CA State Code (CCP 2025.520 (a)-(e)) – Locked .PDF</p> <p>13 Transcript - The witness should review the transcript and</p> <p>14 make any necessary corrections on the errata pages included</p> <p>15 below, notating the page and line number of the corrections.</p> <p>16 The witness should then sign and date the errata and penalty</p> <p>17 of perjury pages and return the completed pages to all</p> <p>18 appearing counsel within the period of time determined at</p> <p>19 the deposition or provided by the Code of Civil Procedure.</p> <p>20 Contact Veritext when the sealed original is required.</p> <p>21 ___ Waiving the CA Code of Civil Procedure per Stipulation of</p> <p>22 Counsel - Original transcript to be released for signature</p> <p>23 as determined at the deposition.</p> <p>24 ___ Signature Waived – Reading & Signature was waived at the</p> <p>25 time of the deposition.</p> <p style="text-align: right;">Page 67</p>	<p>1 Virtamove, Corp. v. AMAZON.COM, INC.,</p> <p>2 Phil Estes (#6879934)</p> <p>3 E R R A T A S H E E T</p> <p>4 PAGE____ LINE____ CHANGE_____</p> <p>5 _____</p> <p>6 REASON_____</p> <p>7 PAGE____ LINE____ CHANGE_____</p> <p>8 _____</p> <p>9 REASON_____</p> <p>10 PAGE____ LINE____ CHANGE_____</p> <p>11 _____</p> <p>12 REASON_____</p> <p>13 PAGE____ LINE____ CHANGE_____</p> <p>14 _____</p> <p>15 REASON_____</p> <p>16 PAGE____ LINE____ CHANGE_____</p> <p>17 _____</p> <p>18 REASON_____</p> <p>19 PAGE____ LINE____ CHANGE_____</p> <p>20 _____</p> <p>21 REASON_____</p> <p>22 _____</p> <p>23 _____</p> <p>24 (Phil Estes) Date _____</p> <p>25</p> <p style="text-align: right;">Page 69</p>

Rule 30

(1) Review; Statement of Changes. On request by the deponent or a party before the deposition is completed, the deponent must be allowed 30 days after being notified by the officer that the transcript or recording is available in which:

(B) if there are changes in form or substance, to sign a statement listing the changes and the reasons for making them.

(2) Changes Indicated in the Officer's Certificate. The officer must note in the certificate prescribed by Rule 30(f)(1) whether a review was requested and, if so, must attach any changes the deponent makes during the 30-day period.

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